

DOCKET NO: 218209US71

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIYOSHI YOSHIKUMI, ET AL. : ALLOWED: FEBRUARY 28, 2011
SERIAL NO: 10/050,866 : EXAMINER: HODGE, ROBERT W.
FILED: JANUARY 18, 2002 : GROUP ART UNIT: 1729
FOR: ONBOARD FUEL CELL SYSTEM :
AND METHOD OF DISCHARGING
HYDROGEN-OFF GAS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's statement enclosed with the Notice of Allowance of February 28, 2011, Applicants respectfully submit the following comments.

The Examiner's statement enclosed with the Notice of Allowance on page 5 states in part:

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or fairly suggest a fuel cell system according to the instant claims, wherein the valve that is located in the first flow passage at a place where the hydrogen-off gas exits the system is operated by a control portion that is programmed to control the valve in order to maintain the mixture of oxygen-off gas and hydrogen-off gas so as to avoid ignition of the mixed gases and/or opening the valve in response to a measured hydrogen concentration below a reference concentration.

It is respectfully noted that independent Claims 1, 8, 51, 52 and 53 do not include the language recited above. For example, these claims do not include the specific language

quoted above that the valve is controlled to “maintain” the mixture of oxygen-off gas and hydrogen-off gas nor do all these claims include “avoid ignition of the mixed gases and/or opening the valve in response to a measured hydrogen concentration below a reference concentration”. Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 1, 8, 51, 52 and 53 to the extent the language used in the statement differs from the language of the claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

A handwritten signature in black ink, appearing to read 'W. Todd Baker', is written over a horizontal line.

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